

BEFORE THE HARD-ROCK MINING IMPACT BOARD
DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PROPOSED
amendment of ARM 8.104.101,)	AMENDMENT
8.104.201, 8.104.202, 8.104.211,)	
8.104.214, and 8.104.218 pertaining)	NO PUBLIC HEARING
to the organization and procedural)	CONTEMPLATED
rules of the Hard-Rock Mining Impact)	
Board)	

TO: All Concerned Persons

1. On March 3, 2008, the Hard-Rock Mining Impact Board proposes to amend the above-stated rules.

2. The board will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the board no later than 5:00 p.m., February 19, 2008, to advise us of the nature of the accommodation that you need. Please contact Joe LaForest, Hard-Rock Mining Impact Board, Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523; telephone (406) 841-2789; TDD (406) 841-2702; fax (406) 841-2771; or e-mail jlaforest@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

8.104.101 ORGANIZATION OF BOARD (1) remains the same.

(2) Information or submissions: Inquiries regarding the board may be addressed to the Hard-Rock Mining Impact Board, Department of Commerce, 301 South Park, P.O. Box ~~200501~~ 200523, Helena, Montana 59620-~~0501~~ 0523.

(3) remains the same.

AUTH: 2-4-201, MCA

IMP: 2-4-201, MCA

8.104.201 PUBLIC PARTICIPATION (1) The Hard-Rock Mining Impact Board adopts and incorporates by reference ARM 8.2.201 through 8.2.~~207~~ 206 which sets forth the Department of Commerce's public participation rules. A copy of the rules may be obtained from the Hard-Rock Mining Impact Board, Department of Commerce, ~~1424 9th Avenue, P.O. Box 200501, Helena, Montana 59620-0501~~ 301 South Park, P.O. Box 200523, Helena, Montana 59620-0523.

AUTH: 2-3-103, MCA

IMP: 2-3-103, MCA

8.104.202 GENERAL PROCEDURAL RULES (1) The Hard-Rock Mining Impact Board adopts and incorporates by reference ARM 1.3.101 through 1.3.234 233 which sets forth the Attorney General's model procedural rules. A copy of the model rules may be obtained from the Hard-Rock Mining Impact Board, Department of Commerce, ~~1424 9th Avenue, P.O. Box 200501, Helena, Montana 59620-0501~~ 301 South Park, P.O. Box 200523, Helena, Montana 59620-0523. The board will treat the hearing provided for by 90-6-307(4), MCA, as a contested case hearing under the model rules.

AUTH: 90-6-305, MCA
IMP: 90-6-307, MCA

8.104.211 IMPLEMENTATION OF APPROVED IMPACT PLAN (1) and (2) remain the same.

(3) As required by 90-6-307(11) and (15), MCA, the board will notify the Department of ~~state lands~~ Environmental Quality if the mineral developer fails to comply, or resumes compliance, with the terms of the approved impact plan or with the requirements of Title 90, chapter 6, parts 3 and 4 of the Montana Code Annotated.

AUTH: 90-6-305, MCA
IMP: 90-6-307, 90-6-310, MCA

8.104.214 FINANCIAL GUARANTEE OF TAX PREPAYMENTS (1) remains the same.

(2) The financial guarantee must be submitted to the board in sufficient time that it may be approved by the board and be in place before mining activities under an operating permit issued by the Department of ~~state lands~~ Environmental Quality commence or prior to the time an affected local government unit must incur a financial obligation in implementation of the approved impact plan and in anticipation of revenues protected by the financial guarantee, whichever occurs first.

AUTH: 90-6-305, MCA
IMP: 90-6-309, MCA

8.104.218 WAIVER OF IMPACT PLAN REQUIREMENT (1) remains the same.

(2) Following its decision, the board will provide a copy of the waiver, conditional waiver, or denial of waiver to the Department of ~~state lands~~ Environmental Quality, the permittee, and the potentially affected local government units identified by the board and the affected county or counties for purposes of 90-6-307(14), MCA.

AUTH: 90-6-305, 90-6-307, MCA
IMP: 90-6-307, MCA

REASON: The board is proposing amendment of the organization and procedural rules in ARM 8.104.101, 8.104.201, 8.104.202, 8.104.211, 8.104.214, and 8.104.218 to accurately reflect address and contact information for the board, and update references to specific rules and departments.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Hard-Rock Mining Impact Board, Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620; telephone (406) 841-2789; fax (406) 841-2771; or e-mail jlaforest@mt.gov, and must be received no later than 5:00 p.m., February 29, 2008.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to the Hard-Rock Mining Impact Board at the above address no later than 5:00 p.m., February 29, 2008.

6. If the board receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 25 based on the number of individuals who are interested in hard-rock mining in Montana.

7. The board maintains a list of interested persons who wish to receive notices of proposed rulemaking actions. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Hard-Rock Mining Impact Board administrative rulemaking proceedings. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the Hard-Rock Mining Impact Board, 301 South Park, P.O. Box 200523, Helena, Montana 59620-0523; telephone (406) 841-2789; fax (406) 841-2771; or by e-mail to jlaforest@mt.gov, or may be made by completing a request form at any rules hearing held by the board.

8. An electronic copy of this Proposal Notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web

site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

HARD-ROCK MINING IMPACT BOARD
DEPARTMENT OF COMMERCE

/s/ KELLY A. CASILLAS
KELLY A. CASILLAS
Rule Reviewer

/s/ ANTHONY J. PREITE
ANTHONY J. PREITE
Director
Department of Commerce

Certified to the Secretary of State January 22, 2008.